

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

REVIEW APPLICATION NO.28 OF 1999

IN

ORIGINAL APPLICATION NO.1403 OF 93

Allahabad, this the 9th day of August, 1999.

CORAM : Hon 'ble Mr.S.Dayal, Member (A)
Hon 'ble Mr.S.L.Jain, Member (J)

Raj Kumar Yadav

Smt. Kalawati Devi

.....Applicants

Versus

Union of India & others

..... Respondents

Counsel for the Applicants - Shri S.D.N.Singh, Advt.

O R D E R (By Circulation)

(By Hon 'ble Mr.S.Dayal, Member (A))

This review application has been preferred to review the order passed in O.A.No.1403/93 on 4-1-99 on the grounds mentioned in this review application.

2. I have perused the order delivered in O.A.No. 1403/93, dated 4-1-99 and also gave thoughtful consideration to the grounds of review as mentioned by the applicant in his review.

3. Section 22(3) of the Administrative Tribunals Act, 1985 confers on an Administrative Tribunal discharging its functions under the Act, the same powers as are vested in a civil court under the Code of Civil

Procedure while trying a suit in respect, inter-alia, of reviewing its decisions. Section 22(3)(f) is as follows :

"Section 22(3)(f) :

A Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matter, namely

(f) reviewing its decisions;

4. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in order 47 Rule 1, Order 47 Rule 1 provides as follows :

"Order 47 Rule :

Application for review of judgement :-

(1) Any person considering himself aggrieved:-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on reference from a Court of Small Causes,

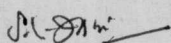
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgement to the court which passed the decree or made the order."

5. On the basis of the above proposition of law, it is clear that power of the review available to the

Administrative Tribunal is similar to power given to Civil Court under Order 47 Rule 1 of Civil Procedure Code, therefore, any person who consider himself aggrieved by a decree or order from which an appeal is allowed but from which no appeal has been preferred, can apply for review under Order 47 Rule 1(1)(a) on the ground that there is an error apparent on the face of the record or from the discovery of new and important matter or evidence which after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree or order was passed but it has now come to his knowledge.

6. In the instant case there appears to be no error apparent on the face of record or there is no other sufficient reason on the basis of this order delivered by this Tribunal can be reviewed as submitted by the applicant. No provision has been mentioned by the applicant even in this review on the basis of ^{which} ~~widow~~ of a dismissed employee is entitled to family pension. Moreover, this review application has been filed admittedly beyond the period of limitation.

7. Therefore, there is no reasonable basis to review this impugned order and this Review Application is no force at all. On the basis of the above this review application is dismissed.



MEMBER (J)



MEMBER (A)

/satya/